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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/252,326	02/18/1999	MARK G. PRESTOY	98-906	4365

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EXAMINER	
SHANG, ANNAN Q	
ART UNIT	**PAPER NUMBER**
2614	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 09/252,326	**Applicant(s)** PRESTOY, MARK G.	
	Examiner Annan Q Shang	**Art Unit** 2614	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: With respect to independent claims 1, 4, 6, 12, 17 and 20, rejected under 35 U.S.C. 102(e) as being anticipated by Dewkett et al (5,646,767), applicant continues to argue that Dewkett states that "CPUs [101] of the host system are not used for [multimedia] data transmission." Dewkett et al., col. 10, II. 4-5 (emphasis added)." and further argues that 'none of the activities of CPUs 101 includes "stream[ing] a massive plurality of video streams," as recite in claims 1 and 17. Instead, Dewkett et al. uses multimedia controller (MMC) processors 401 to "control movie data transmission to the STB[s]" (Dewkett et al., col. 16, l. 48). However, the MMC processors 401 do not have "concurrent access to the same set of storage devices," as recited in claims 1 and 17, and furthermore directs arguments to MMC processors 401, citing columns which teaches the functions of MMC processors 401 (additional processors of Dewkett's scalable interactive multimedia server system), arguing that MMC 401 processors do not have concurrent access to the same set of storage devices.

In response, Examiner, disagrees. As clearly discussed in the Final Office action and also in response to arguments, Dewkett teaches that host CPUs "main or master processors" handles concurrent STB requests, which includes movie start and stop commands and controls any Multimedia Adapter 106 or MMC to retrieve the requested movie from any set of disk "set of storage devices," associated with the MM adapter 106, to concurrently stream movie requests to STBs (col. 9, lines 19-22, line 45-col. 10, line 2); determines the transmission of the requested movie to be allowed to the STB and sends a responds command to the appropriate MMC of MM adapter 106 (col. 9, lines 58-62); accepting interruption, reading blocks, inserting start and stop commands, performing processe needed to be done before any movie can be transmitted to any STB (col. 13, lines 58-63); copies or replicates movies from tape to one or more disks associated with the MM adapter 106 (col. 14, lines 39-62), etc. These cited columns clearly demonstrates that the plurality of CPUs in the host system are the master controllers of the interactive multimedia server system that are configured to control any intermediate MMC of the MM adapter 106 to concurrently stream movies to any STB based on the request, and furthermore controlling interrupts, checking for authorization and billing, etc., of the interactive multimedia server system. This clearly meets the claimed limitations of claims 1 and 17. Examiner still maintains that the rejection of independet claims 1 and 17, and 4, 6, 11, 12 and 20, using Dewkett is proper and repeated below, as Dewkett meets all the claimed limitations.

With respect to claims 2, 18 and 26, rejected under 35 U.S.C. 103(a) as unpatentable over Dewkett et al. in view of Ehreth (6,286,142), applicant further argues that, "claims 2, 18 and 26 depend, directly or indirectly from one of claims 1 and 17. As explained, the claims 1 and 17 are distinguished from Dewkett et al. Moreover, Ehreth is not relied upon to teach, and in fact does not teach the above-noted deficiencies of Dewkett et al."

In response, examiner disagrees. As noted above Dewkett et al., teach all the claimed limitations of claims 1 and 17, and since Ehreth and Dewkett disclosures are in the same field of endeavor, the rejection of claims 2, 18 and 26, using Dewkett in view of Ehreth i proper, maintained and repeated below, as Dewkett in view of Ehreth meets all the claimed limitations.

With respect to claims 3, 5, 10, 13, 15, 16, 19, 23 and 24, rejected under 35 U.S.C. 103(a) as being unpatentable over Dewkett et al. in view of Banks (6,139,197), applicant further argues that, "claims depend, directly or indirectly from one of claims 1 and 17. However, claims 1 and 17 are distinguished from Dewkett et al., for at least the reasons set forth above, and Banks does not cure the cited deficiencies of Dewkett et al."

In response, examiner disagrees. As noted above Dewkett et al., teach all the claimed limitations of claims 1 and 17, and since Banks and Dewkett disclosures are in the same field of endeavor, the rejection of claims 2, 5, 10, 13, 15, 19, 23 and 24, using Dewkett i view of Banks is proper, maintained and repeated below, as Dewkett in view of Banks meets all the claimed limitations.

With respect to claim 16, rejected under 35 U.S.C. 103(a) as being unpatentable over Dewkett et al. in view of Banks, applicant further argues that, Banks does not explicitly teach the use of data in HTML format.

In response, it appears although Banks teaches a video server which can be implemented as a web server, but fails to explicitly teach using data in HTML format, hence the rejection has been withdrawn, however after further consideration, claim 16 has been rejected as unpatentable over Dewkett in view of Banks and further in view of Fukui et al (6,052,715) (discussed below in the office action).

With respect to claims 7-9, 21 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Dewkett et al. in view of Hluchy (6,151,325), applicant further argues that claims depend on claims 1 and 17 and since claims 1 and 17 are distinguished from Dewkett e al., the rejections are improper and should be withdrawn.

In response, examiner disagrees. As noted above Dewkett et al., teach all the claimed limitations of claims 1 and 17, and since Hluchyi and Dewkett disclosures are in the same field of endeavor, the rejection of claims 7-9, 21 and 22, using Dewkett in view of Hluchyi is proper, maintained and repeated below, as Dewkett in view of Hluchyi meets all the claimed limitations.

With respect to claims 14 and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Dewkett et al., in view of Banks and further in view of Cannon et al. (6,014,706), applicant further argues that claims depend on claims 3 and 19 respectively, and since claims 3 and 19 are distinguished from Dewkett in view of Banks, the rejection is improper and should be withdrawn.

In response, examiner disagrees. As noted above Dewkett et al., teach all the claimed limitations of claims 1 and 17, and the combination of Dewkett in view of Banks is proper since they are in the same field of endeavor, hence the rejection of claims 14 and 25, using Dewkett in view of Banks and further in view of Cannon, is proper, maintained and repeated below, as Dewkett in view of Banks and further in view of Cannon meets all the claimed limitations.

Applicant's amended claims do not overcome the prior art of record Dewkett et al., and also the other 35 U.S.C. 103 rejection(s) under Ehreth, Banks and Hluchyi, hence the amended independent claims have been rejected as being anticipated by Dewkett et al., and the other claims are also rejected accordingly as set forth below. This office action is made Final.